

**LYNCHBURG CITY COUNCIL  
Agenda Item Summary**

MEETING DATE: **October 12, 2004**

AGENDA ITEM NO.: 4

CONSENT:

REGULAR: **X**

CLOSED SESSION:  
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Conditional Use Permit (CUP) – 615 Leesville Road, Victory Christian Fellowship**

RECOMMENDATION: Approval of the requested Conditional Use Permit.

SUMMARY: Victory Christian Fellowship is petitioning for a CUP to amend the master development plan at 615 Leesville Road to allow the construction of a ministry related dwelling, pavilion and parking areas in an R-1, Single-Family Residential District. The Planning Commission recommended approval of the CUP because:

- The petition agrees with the *Comprehensive Plan* which recommends an institutional use for the subject property.
- Petition is in agreement with the Zoning Ordinance in that a church is a permitted use in a residential district upon approval of a CUP by the City Council.
- Petition would not have a significant adverse impact on adjoining properties.

PRIOR ACTION(S):

September 22, 2004: Planning Division recommended approval of the CUP.

Planning Commission recommended approval 7-0 of the CUP with the following conditions:

1. The property will be developed in substantial compliance with the "Site & Landscaping Plan for Victory Christian Fellowship", received August 17, 2004.
2. The north (left) side between the driveway and the property line will be buffered from the adjacent residential uses with a minimum of six (6) Leyland Cypress evergreen trees, at least four (4) high at planting, to be planted among the existing photinias, to fulfill a requirement of the original master plan dated January 19, 1998.
3. Any additional lighting to be installed shall be non-directional and glare-shielded.
4. A stormwater management plan and a land disturbance bond shall be submitted at the time the proposed Phase III parking lot is to be constructed.

FISCAL IMPACT: N/A

CONTACT(S):

Rachel Flynn / 455-3902

Tom Martin / 455-3909

ATTACHMENT(S):

- Resolution
- PC Report
- PC minutes
- Vicinity Zoning Pattern
- Vicinity Land Use
- Site plans
- Narrative
- Speaker Sign Up Sheet

REVIEWED BY: lkp

## RESOLUTION

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO VICTORY CHRISTIAN FELLOWSHIP TO ALLOW THE CONSTRUCTION OF A DWELLING, PAVILION AND PARKING AREAS ON THE PROPERTY AT 615 LEESVILLE ROAD.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG That the petition of Victory Christian Fellowship for a Conditional Use Permit for use of the property at 615 Leesville Road to construct a ministry related dwelling, pavilion and parking areas be, and the same is hereby, approved, subject to the following conditions:

1. The property will be developed in substantial compliance with the "Site & Landscaping Plan for Victory Christian Fellowship, dated 'Received August 17, 2004.'"
2. The north (left) side between the driveway and the property line will be buffered from the adjacent residential uses with a minimum of six Leyland cypress evergreen trees, at least four feet high at planting, to be planted among the existing photinias, to fulfill a requirement of the original master plan dated January 19, 1998.
3. Any additional lighting to be installed will be non-directional and glare-shielded.
4. A storm water management plan and a land disturbance bond will be submitted at the time the proposed Phase III parking lot is to be constructed.

Adopted:

Certified:

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Clerk of Council

142L

The Department of Community Planning & Development  
City Hall, Lynchburg, VA 24504 434-455-3900

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**To:** Planning Commission  
**From:** Planning Division  
**Date:** September 22, 2004  
**Re:** **CONDITIONAL USE PERMIT (CUP): Master Plan Amendment for Victory Christian Fellowship Church, 615 Leesville Road**

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**I. PETITIONER**

Victory Christian Fellowship, 615 Leesville Road, Lynchburg, VA 24502

**Representative:** James S. Whitaker, Sr., 6012 Modac Place, Lynchburg, VA 24502

**II. LOCATION**

The subject property is a tract of about seven acres located at 615 Leesville Road.

**Property Owner:** Victory Christian Fellowship, 615 Leesville Road, Lynchburg, VA 24502

**III. PURPOSE**

The purpose of the petition is to amend the master development plan to allow the construction of a ministry-related dwelling, relocation of a pavilion and construction of a parking area.

**IV. SUMMARY**

- Petition agrees with the Comprehensive Plan which recommends an Institutional (church) land use for this property.
- Petition agrees with the Zoning Ordinance in that a church and its related uses are permitted in an R-1, Single-Family Residential district, with City Council approval of a Conditional Use Permit.
- Petition proposes amending the master development plan to expand existing church uses.
- Petition would not have an adverse or significant impact on the subject or adjoining properties with appropriate storm water control measures and vegetative buffering.

**The Planning Division recommends approval of the CUP petition.**

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**V. FINDINGS OF FACT**

1. **Comprehensive Plan.** The Lynchburg *Comprehensive Plan* recommends Institutional land use for this area, with an Institutional designation for the church property. Leesville Road is termed a “minor gateway,” a secondary road entrance into the City. Institutional use buildings along the corridor should be compatible in scale, design, character and quality as neighboring residential uses. An objective is to ensure the compatibility of adjacent land uses through the development and enforcement of buffer requirements.
2. **Zoning.** The subject property was annexed into the City in 1976. The existing R-1, Single-Family Residential, zoning was established in 1978 with the adoption of the current *Zoning Ordinance*.
3. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances will be needed for the proposed master development plan amendments.
4. **Surrounding Area.** The following items have required City Council approval in the immediate area:

Victory Christian Fellowship

11/11/97: CUP for a master development plan to allow construction of a church and related facilities

Heritage United Methodist Church, 582 Leesville Road

5/13/86: CUP for a master plan for a church complex

4/9/91: CUP for a preschool center

12/13/94: CUP for increasing number of children in the preschool center

1/9/01: CUP for multi-purpose building

Bell Atlantic, 553-555 Leesville Road

6/13/95: CUP for a parking lot and storage area

10/10/00: CUP for parking lot expansion

Heritage Court Town homes, 542 Leesville Road

8/9/88: CUP for multi-family townhouses

Lynchburg City Schools, 501 Leesville Road

7/14/92: CUP for four modular classrooms

2/9/93: CUP for a one-story addition and remove two modular classrooms

Memorial United Christian Church, 594 Leesville Road

2/12/85: CUP for new sanctuary, education building and parking lot

Virginia Baptist Hospital (Bridges Treatment Center), 693 Leesville Road and Del Ray Circle

5/14/85: CUP for residential care center

6/13/95: CUP for building additions

4/9/96: CUP for cottage and parking area

8/14/01: CUP for modular classrooms, parking, cottage

12/10/02: CUP for classroom/cottage and nature walk

Tree of Life Pentecostal Holiness Church, 742 Leesville Road

8/13/91: CUP for sanctuary and parking lot

8/13/96: CUP for expansion

12/11/01: CUP for master development plan for sanctuary, multi-purpose building, parking and athletic fields

5. **Site Description.** The subject property is bounded to the north and south by residential uses, to the east by residential uses and vacant land and to the west (across Leesville Road) by residential and commercial uses.
6. **Proposed Use of Property.** The purpose of the CUP is to amend the master development plan to allow (1) the construction of a ministry-related dwelling ("Dwelling #2/Phase II); (2) enlarge a proposed 30' x 30' pavilion to 30' x 50' and move it from its proposed location near the end of the paved drive to a location directly behind the church; and (3) move a proposed 28-space parking lot from its proposed location at the end of the paved drive to be incorporated into the 52-space (Phase III) parking lot located behind the church, for a total of 80 spaces.
7. **Traffic and Parking.** The City Traffic Engineer expressed no concerns with the proposed changes to the master development plan.
8. **Storm Water Management.** The City's Environmental Planner expressed no concerns about the storm water management provisions at this time. He will address these issues during the Phase III development, which will include construction of the 80-space parking lot.

A storm water management plan and a land disturbance bond will be required at the time the proposed Phase III parking lot is scheduled to be constructed.

9. **Impact.** There are an existing 37-space parking lot in front of the church and an 11-space parking lot at the north (left) side of the church. The proposed 28-space parking lot, which was shown on the original master plan to the left of the paved driveway, will be incorporated with the 52-space (Phase III) parking lot, also shown on the original master plan, for a total of 80 spaces. The expanded parking lot will be located in the central portion of the property behind the church and directly behind the proposed pavilion. It will be required to be landscaped with shade trees.

The proposed church-use Dwelling #2 will be constructed on the left side, near the end of the paved driveway. It will be used as temporary emergency lodging for families displaced by catastrophes such as

fire, storm damage, etc. The building will be located in a clearing and buffered by existing landscaping around the perimeter of the property.

The original master development plan called for Phase I to have "fill between the existing vegetation to create a buffer" along the north (left) side of the paved driveway. This driveway serves as the only entrance/exit for church activities. Since approval of the original master plan, the existing vegetation was removed, and the only form of vegetation along the driveway is several red tip photinias. Additional evergreen landscaping is needed to fulfill this buffer requirement.

With appropriate storm water control measures and vegetative buffering, the proposed changes to the master development plan would not have an adverse or significant impact on the subject or adjoining properties.

10. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary site plan on August 31, 2004. Comments related to the proposed master development plan amendments were minor in nature and have been or will be addressed by the developer prior to final site plan approval.
  11. **Conditions.** According to Section 35.1-15 (f) of the Zoning Ordinance, the Planning Commission or City Council may impose any conditions deemed necessary or appropriate in approving a CUP.
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## **VI. PLANNING DIVISION RECOMMENDED MOTION**

**Based on the preceding Findings of Fact, the Planning Commission recommends to the City Council approval of the petition of Victory Christian Fellowship for a conditional use permit at 615 Leesville Road to amend its master development plan on a parcel zoned R-1, Single-Family Residential, subject to the following conditions:**

1. **The property will be developed in substantial compliance with the "Site & Landscaping Plan for Victory Christian Fellowship, dated 'Received August 17, 2004.'"**
2. **The north (left) side between the driveway and the property line will be buffered from the adjacent residential uses with a minimum of six Leyland cypress evergreen trees, at least four feet high at planting, to be planted among the existing photinias, to fulfill a requirement of the original master plan dated January 19, 1998.**
3. **Any additional lighting to be installed will be non-directional and glare-shielded.**
4. **A storm water management plan and a land disturbance bond will be submitted at the time the proposed Phase III parking lot is to be constructed.**

This matter is respectfully offered for your consideration.

William T. Martin, AICP  
City Planner

pc: Mr. L. Kimball Payne, III, City Manager  
Mr. Walter C. Erwin, City Attorney  
Ms. Rachel O. Flynn, Director of Community Planning & Development  
Mr. Bruce A. McNabb, Director of Public Works  
Mr. R. Douglas DeJarnette, Fire Marshal  
Mr. J. Lee Newland, Director of Engineering  
Mr. Gerry L. Harter, Traffic Engineer  
Mr. Robert Drane, Building Commissioner  
Ms. Annette M. Chenault, Planner II  
Mr. Arthur L. Tolley, Zoning Official  
Mr. Robert S. Fowler, Zoning Official  
Mr. Kent White, Environmental Planner  
Mr. James S. Whitaker, Sr., Petitioner/Representative

## **VII. ATTACHMENTS**

- 1. Vicinity Zoning Pattern** (see attached map)
- 2. Vicinity Proposed Land Use** (see attached map)
- 3. Site Plan** (see attached master development plan)
- 4. Photographs** (see attached photographs)

## MINUTES FROM THE SEPTEMBER 22, 2004 PLANNING COMMISSION MEETING

Petition of Victory Christian Fellowship for a conditional use permit to amend the master development plan at 615 Leesville Road to allow the construction of a ministry related dwelling, pavilion and additional parking in an R-1, Single-Family Residential District.

Mr. Martin explained that the purpose of the master development plan amendment was to construct a second Victory House, which was temporary housing for people who were victims of flooding or fire. He continued by explaining that the second amendment was to move a 30 foot x 50 foot pavilion to immediately behind the existing church building, and to add a third row of parking in the future. He said this was actually Phase III and would not be constructed until after the new sanctuary was built. Mr. Martin said the property was designated for institutional uses and was in compliance with the Comprehensive Plan. He added that the Planning Division recommended approval of the master plan amendment with the Conditions that were outlined in the Planning Commission report.

Mr. Jim Whitaker, 6012 Modac Place, Lynchburg and the pastor, Ken Parrish, 120 Chesterfield Road, Lynchburg represented the petition. Mr. Whitaker explained that a second Victory House was needed because of the success of the first house. He said they built the first house for people who had been burned out, flooded out, or had another disaster that prevented them from occupying their own home. He added that the home was provided free of charge, fully furnished with all appliances, bed and bath linens, and stocked with food and all personal items. Mr. Whitaker said when someone moved into the house after a disaster they did not have to worry about shopping for necessities. He said the first Victory House was dedicated September 11, 2003 and had been occupied with the exception of about six to eight weeks since that time. He said the church's concern was that they were having to turn people away because the existing house was usually always occupied.

Mr. Whitaker explained to the Commission that he was the Restoration Officer for the Lynchburg Fire Department and was called out on all fires that occurred in the City of Lynchburg that pertained to an occupied dwelling. He added that part of his responsibility was to find the occupants of the burned residence a place to stay. He said whether through the Red Cross or Salvation Army, all those organizations could do was provide three nights lodging in a hotel and then the victims were on their own. He said they had been very responsive to those victim's needs.

Mr. Whitaker said in addition to the second house, they wanted to construct a pavilion directly behind the church for outdoor events, such as cookouts or dinners. He said the Phase III portion of the request was for a future sanctuary and expansion of the back parking lot. He explained that none of the additions they were proposing would have outside lighting other than a few directional spotlights to help illuminate the parking light. He said there would be no light poles, no lights shining into neighbor's homes, and no lighted ball fields.

Mrs. Cynthia Johnson, 609 Leesville Road, had questions about the project. Mrs. Johnson said her home was directly behind the church, and asked if anyone else in the subdivision had been notified by letter of this project. She said she went to the meeting that the church organized, but there was no one there. She asked where the second house would be placed, and added that she was concerned about the constant turn over of people so close to her home. Ms. Johnson continued by saying that even if the people were screened, you really did not know them. She said she would like to be advised when new people moved in, and said she was concerned about children playing in driveway. Mrs. Johnson expressed her concern with the water flow draining down the driveway. Years ago, she explained, there had been a cutoff where water was diverted down into the field. Now, however, she continued, water crossed her front yard down to the back between the houses.

Mr. Whitaker explained that all neighbors within 200 feet of the property were notified of this petition and all were invited to a neighborhood meeting. He added that the meeting was scheduled for a recent evening at 7:00 p.m. and they waited until 7:15, but when no one showed up, representatives of the church left.

Mr. Martin pointed out on the site plan the existing Victory House and the site of the proposed house.

Reverend Parrish noted where the drain field was in relation to the existing home. He said the second house would be constructed beside of the existing house, which was located in front of the drain field.

Commissioner Bacon asked Mrs. Johnson how she got on to and off of her property.

Mrs. Johnson said she had a 50-foot deeded driveway through the church site to her property.

Chair Dahlgren asked if there was any thought to having a fenced play area for the children.

Reverend Parrish explained that there was another ministry in the city that wanted to donate a play area to the church. He said the Fire Department also approached them about fencing in the back yards for pets.

Mr. Whitaker said the other church was currently raising money to construct a play area, which would be fenced in.

Chair Dahlgren asked if it was practical to let Mrs. Johnson know when new families moved into these houses.

Mr. Whitaker said they would notify Mrs. Johnson of any new residents moving in. He said they had tried their best to be good neighbors to the Johnsons, such as making road improvements at no expense to them. He added that they would address the water situation and divert the water away from the driveway as much as they possibly could. Part of the problem, he continued, was that the road had a rise on each side, but they would try to divert the water away from the road.

Mrs. Johnson asked about the screening process when new residents moved into the home.

Mr. Whitaker said the new residents were screened by the Police Department.

Chair Dahlgren asked if these facilities were limited to members of the church.

Mr. Whitaker said these houses were open to Lynchburg and the surrounding counties, and would never be rental property.

Commissioner Worthington asked for more information about the screening process.

Mr. Whitaker said in his role as Chaplin to the Police Department he had access to calling the police to have the screening done. He said they made sure there were no known drug addicts, did not have current warrants, were not known drug addicts, or had arrest records. He added that they did everything they could to prevent someone from destroying the property they had built, as the church owned the houses. He said they had turned people away in the past and had the right to do so. Mr. Whitaker said if there was a domestic situation the police were called.

Commissioner Pulliam asked Mr. Whitaker if they would control the water runoff on Mrs. Johnson's property.

Mr. Whitaker said they would handle the situation and divert the water away from Mrs. Johnson's property.

Mr. Martin said he and Mr. White would be happy to meet Mr. Whitaker on the site to decide the best solution for the runoff.

Commissioner Flint asked the purpose of the right-of-way along the south side of the property.

Mr. Whitaker said the church owned the ten (10) acres addressed in the site plan and twenty-two (22) acres behind the subject property.

He said if the church ever decided to sell the twenty-two (22) acres, then the easement would already be in place to eliminate the property from being landlocked.

After discussion, Commissioner Pulliam made the following motion, which was seconded by Commissioner Flint and passed by the following vote:



"That the Planning Commission recommends to the City Council approval of the petition of Victory Christian Fellowship for a conditional use permit at 615 Leesville Road to amend its master development plan on a parcel zoned R-1, Single-Family Residential, subject to the following conditions:

1. The property will be developed in substantial compliance with the "Site & Landscaping Plan for Victory Christian Fellowship, dated 'Received August 17, 2004.'"
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3. Any additional lighting to be installed will be non-directional and glare-shielded.
4. A storm water management plan and a land disturbance bond will be submitted at the time the proposed Phase III parking lot is to be constructed."

AYES: Bacon, Dahlgren, Echols, Flint, Hamilton, Pulliam, Worthington 7

NOES: 0

ABSTENTIONS: 0